

17W

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/731,547
	Filing Date	12/09/2003
	First Named Inventor	Chanduszko et al.
	Art Unit	3731
	Examiner Name	TBA
Total Number of Pages in This Submission	Attorney Docket Number	106586.154US2

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Postcard
<b>Remarks</b> 1. PTO Form 1449 (4 pp.) 2. 11 Publications		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Wilmer Cutler Pickering Hale and Dorr LLP		
Signature			
Printed name	Michael A. Diener		
Date	4-1-05	Reg. No.	37,122

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Tina M. Dougal	Date	4-1-05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

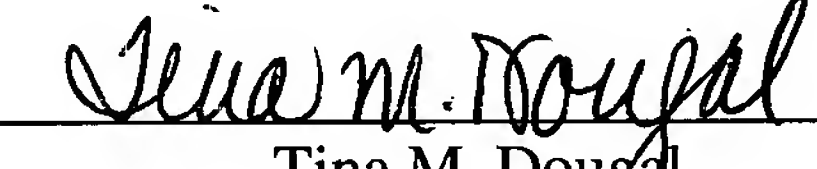
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Andrzej J. Chanduszek et al.  
Application No.: 10/731,547 Examiner: TBA  
Filed: December 9, 2003 Group Art Unit: 3731  
For: Septal Closure Devices  
Atty. Docket No.: 106586.154 US2

---

**CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on April 1, 2005.

  
Tina M. Dougal

---

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Applicants and their legal representatives hereby make of record on the attached Form PTO-1449 the following publications which are known to them and considered warranting disclosure under 37 C.F.R. §1.56 and 1.97-98. A copy of only the foreign publication is enclosed.

It is respectfully requested that the Examiner initial and return a copy of the subject Form PTO-1449 with the next Patent Office communication.


The submission of these publications does not constitute a representation by the Applicants that a search has been made or that no better art exists and does not constitute an

admission that the listed publications are material or constitute "prior art." Applicants reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed publications, should one or more of the publications be applied against the claims of the present application.

As this paper is being filed prior to the issuance of a first Office Action on the merits, and pursuant to 37 C.F.R. § 1.97(b)(3), no fee is believed to be due. In the event a fee is due, the Commissioner is authorized to charge any fee deficiency or credit any overpayment to Deposit Account No. 08-0219.

Respectfully submitted,

Dated: April 1, 2005

  
\_\_\_\_\_  
Michael A. Diener  
Registration No. 37,122  
Attorney for Applicants

Wilmer Cutler Pickering Hale and Dorr LLP  
60 State Street  
Boston, Massachusetts 02109  
Tel: (617) 526-6454  
Fax: (617) 526-5000

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**Complete if Known**

Application Number	10/731,547
Filing Date	December 9, 2003
First Named Inventor	Chanduszko et al.
Art Unit	3731
Examiner Name	TBA
Attorney Docket Number	106586.154US2

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

1

of

4

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (If known)			
		US-4,710,192	12/01/1987	Liotta et al.	
		US-4,902,508	02/20/1990	Badylak et al.	
		US-4,917,089	04/17/1990	Sideris	
		US-4,956,178	09/11/1990	Badylak et al.	
		US-5,171,259	12/15/1992	Inoue	
		US-5,275,826	01/04/1994	Badylak et al.	
		US-5,312,341	05/17/1994	Turi	
		US-5,480,424	01/02/1996	Cox	
		US-5,486,193	01/23/1996	Bourne et al.	
		US-5,577,299	11/26/1996	Thompson et al.	
		US-5,620,461	04/15/1997	Muijs Van De Moer et al.	
		US-5,626,599	05/06/1997	Bourne et al.	
		US-5,649,950	07/22/1997	Bourne et al.	
		US-5,693,085	12/02/1997	Buirge et al.	
		US-5,733,337	03/31/1998	Carr, Jr. et al.	
		US-5,800,516	09/01/1998	Fine et al.	
		US-5,853,422	12/29/1998	Huebsch et al.	
		US-5,865,791	02/02/1999	Whayne et al.	
		US-5,928,250	06/27/1999	Koike et al.	
		US-5,955,110	09/21/1999	Patel et al.	
		US-5,993,844	11/30/1999	Abraham et al.	
		US-5,997,575	12/07/1999	Whitson et al.	
		US-6,030,007	02/29/2000	Bassily et al.	
		US-6,096,347	08/01/2000	Geddes et al.	
		US-6,106,913	08/22/2000	Scardino et al.	
		US-6,126,686	10/03/2000	Badylak et al.	

Examiner  
Signature

Date

Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is established to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**Complete if Known**

Application Number	10/731,547
Filing Date	December 9, 2003
First Named Inventor	Chanduszko et al.
Art Unit	3731
Examiner Name	TBA
Attorney Docket Number	106586.154US2

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

2

of

4

	US-6,152,144	11/28/2000	Lesh et al.	
	US-6,187,039 B1	02/13/2001	Hiles et al.	
	US-6,231,561	05/15/2001	Frazier et al.	
	US-6,265,333	07/24/2001	Dzenis et al.	
	US-6,306,424	10/23/2001	Vyakarnam et al.	
	US-6,328,727	12/11/2001	Frazier et al.	
	US-6,334,872 B1	01/01/2002	Termin et al.	
	US-6,346,074	02/12/2002	Roth	
	US-6,402,772	06/11/2002	Amplatz et al.	
	US-6,419,669	07/16/2002	Frazier et al.	
	US-6,436,088	08/20/2002	Frazier et al.	
	US-6,482,224	11/19/2002	Michler et al.	
	US-6,551,303	04/22/2003	Van Tassel et al.	
	US-6,551,344	04/22/2003	Thill	
	US-6,596,013	07/22/2003	Yang et al.	
	US-6,623,508	09/23/2003	Shaw et al.	
	US-6,623,518 B2	09/23/2003	Thompson et al.	
	US-6,666,861	12/23/2003	Grabek	
	US-6,712,804	03/30/2004	Roue et al.	
	US-6,712,836	03/30/2004	Berg et al.	
	US-2001/0014800	08/16/2001	Frazier et al.	
	US-2001/0037129	11/01/2001	Thill	
	US-2001/0039435	11/08/2001	Roue et al.	
	US-2001/0041914	11/15/2001	Frazier et al.	
	US-2001/0041915	11/15/2001	Roue et al.	
	US-2002/0019648	02/14/2002	Akerfeldt et al.	
	US-2002/0026208	02/28/2002	Roe et al.	
	US-2002/0035374	03/21/2002	Borillo et al.	
	US-2002/0052572	05/02/2002	Franco et al.	

Examiner  
Signature

Date

Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is established to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

3

of

4

**Complete if Known**

Application Number	10/731,547
Filing Date	December 9, 2003
First Named Inventor	Chanduszko et al.
Art Unit	3731
Examiner Name	TBA
Attorney Docket Number	106586.154US2

	US-2002/0077555	06/20/2002	Schwartz	
	US-2002/0096183	07/25/2002	Stevens et al.	
	US-2002/0107531	08/08/2002	Schreck et al.	
	US-2002/0111637	08/15/2002	Kaplan et al.	
	US-2002/0111647	08/15/2002	Khairkhahan et al.	
	US-2002/0120323	08/29/2002	Thompson et al	
	US-2002/0128680	09/12/2002	Pavlovic	
	US-2002/0169377	11/14/2003	Khairkhahan et al	
	US-2002/0183823	12/05/2002	Pappu	
	US-2002/0198563	12/26/2002	Gainor et al.	
	US-2003/0028213	02/06/2003	Thill et al.	
	US-2003/0045893	03/06/2003	Ginn	
	US-2003/0050665	03/13/2003	Ginn	
	US-2003/0065379	04/03/2003	Babbas et al.	
	US-2003/0100920	05/29/2003	Akin et al	
	US-2003/0139819	07/24/2003	Beer et al.	
	US-2003/0191495	10/09/2003	Ryan et al.	
	US-2003/0195530	10/16/2003	Thill	
	US-2003/0204203	10/30/2003	Khairkhahan et al.	
	US-2004/0044361	03/04/2004	Franzier et al.	
	US-2004/0210301	10/21/2004	Obermiller	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (If known)			
		EP 1 046 375	10/25/2000	Nissho Corporation	
		EP 1 222 897	07/17/2002	Nicrovena Corporation	
		WO 02/24106	03/28/2002	Aritech, Inc.	
		WO 03/077733	09/25/2003	EV3 Sunnyvale, Inc.	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is established to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	10/731,547
Filing Date	December 9, 2003
First Named Inventor	Chanduszko et al.
Art Unit	3731
Examiner Name	TBA
Attorney Docket Number	106586.154US2

Sheet

4

of

4

WO 96/25179

08/22/1996

Purdue Research  
Foundation

WO 96/31157

10/10/1996

Organogenesis, Inc.

WO 00/44428

08/03/2000

Adam Spense Europe  
Limited**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	A1	Stöckel, "Nitinol Medical Devices and Implants," SMST-2000 Conference Proceedings, 2001, pgs 531-541	
	A2	SMST-2000, "Proceedings of the International Conference on Shape Memory and Superelastic Technologies," 30 April to 4 May 2000, Asilomar Conference Center.	
	A3	Ruiz et al. "The Puncture Technique: A New Method for Transcatheter Closure of Patent Foramen Ovale," Catheterization and Cardiovascular Interventions 53, Wiley-Liss, Inc., 2001, pages 369-372.	
	A4	International Search Report, International Application No. PCT/US03/17390, mailed on October 6, 2003, 4 pgs.	

Examiner  
Signature

Date

Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is established to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.